

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41270 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- GANDHIMAIDAN District- Patna

Raj Kumar Raju @ Raju Tehra @Raj Kumar Son Of Late Kishun Ram
Resident Of Village- Lane In Front Of Darpan Hotel, Lodipur, Ps- Gandhi
Maidan, Distt- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kaushal Kumar, Advocate

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Gandhi Maidan P.S. Case No. 36 of 2023 registered for the offences punishable under Sections 341/342/323/353/504/506/34 of the Indian Penal Code and Section 37/45 of Bihar Prohibition and Excise Amendment Act, 2022. He has one criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant, who is a Sub-Inspector of Police, has alleged that while he was proceeding with other police personnel for special raid, in the meantime, he received information that wine party is going on near PWD quarter and some persons are making noise,



thereafter he reached there for verification and on seeing police vehicle, all the accused persons started fleeing away. One person was caught and he disclosed his name as Deepak Kumar, but in the meantime, the Bhaisur of Ward Councilor of ward no. 27 along with 35-40 people came there and taken away the arrested person from the police officials and also used the abusive language.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner is named in the F.I.R. but nothing incriminating article has been recovered from his conscious possession.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the petitioner is though named in the F.I.R. but nothing incriminating article has been recovered from his conscious possession and his house and he has been falsely implicated because of political rivalry being the elder brother of the husband of the Ward Councilor of Ward no. 27, in the circumstance, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing



of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Gandhi Maidan P.S. Case No. 36 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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